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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,990	12/09/2005	Thanhhung Lc	CPG 03-08 MB	6581
48418	7590	10/30/2007	EXAMINER	
PARKS KNOWLTON LLC			GEHMAN, BRYON P	
1117 PERIMETER CENTER WEST				
SUITE E402			ART UNIT	PAPER NUMBER
ATLANTA, GA 30338			3728	
			MAIL DATE	DELIVERY MODE
			10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,990

Applicant(s)

LE ET AL.

Examiner

Bryon P. Gehman

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/9/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 3728

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in **37 CFR 1.56**.

The entire section must be designated.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the opening phrase "Taught herein is" is an implied phrase. Also, in line 7, a sentence should never begin with "And". Correction is required. See MPEP § 608.01(b).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3728

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-6 and 8-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 4, "said protruding receptacle" and "said open cell" lack antecedent basis for one of each from lines 3 and 2, respectively. In line 7, it is unclear whether "and circuitry" is the same or different than "electronic circuitry" set forth in line 1.

In claim 3, line 1, "said receptacle" lacks antecedent basis for one receptacle.

In claim 6, line 5, it is unclear whether "and circuitry" is the same or different than "electronic circuitry" set forth in line 1. In line 6, "said open side" is indefinite, as "at least one protruding receptacle having an open side" defines at least one open side, as multiple protruding receptacles by disclosure do not distinguish a single open side.

In claim 8, line 1, "said receptacle" lacks antecedent basis for one receptacle.

In claim 11, line 5, it is unclear whether "and circuitry" is the same or different than "electronic circuitry" set forth in line 1.

In claim 13, line 1, "said receptacle" lacks antecedent basis for one receptacle.

In claims 10 and 14, line 1 of each, "said fourth card" lacks antecedent basis.

In claim 18, line 4, "said item" lacks antecedent basis, as such is the initial definition of an item per se, and should be --an item--. In line 3, "to receive and store an item" does not distinguish an item per se. In line 6, "than" should apparently be --that--.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 6 and 8-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Niemiec et al. (6,411,567). Disclosed is a package comprising a first card (202) comprising at least one protruding receptacle (204) having an open side, a conductive protective layer (104) mated to the first card so that the protective layer spans the open side, and a second card (208, 210 and 212) or a second (212) and third card (28-210) comprising a closed cell with circuitry (210) with a dielectric overlay (208 and/or 212), wherein the second card is mated to the first card so that the dielectric overlay is adjacent the protective layer and the closed cell is breachably aligned with the open side.

As to claims 8 and 13, a blister receptacle is typically pliable.

As to claims 10 and 14, the package includes an electronic monitoring device (408) in communication with the circuitry

As to claims 9 and 16, a portion of the circuitry spans the closed cell.

As to claim 12, the cards (202, 208-212) are non-conductive.

As to claim 15, the protective layer (104) is conductive (see column 5, lines 3-8).

As to claim 17, the overlay is applied on top of and covers at least a portion of the circuitry.

As to claim 18, the claimed method of monitoring is apparent from the structure explained above.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams-Hartman (7,188,728) in view of either one of Niemiec et al. ('567) and Gordon (4,617,557). Claims 1, 3-5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton et al. (5,172,812) in view of either one of Niemiec et al. ('567) and Gordon. Williams-Hartman and Wharton et al. each disclose a medication package comprising a first card (201; 16; respectively) comprising at least one open cell (202; 17; respectively), a second card (101; 11) comprising at least one protruding receptacle (102; 13) having an open side, each protruding receptacle matingly nested within one open cell, a third card (104; 14); comprising a first closed cell, mated to the second card so that the first closed cell spans each open side, and a fourth card (301; 22) comprising a second closed cell mated to the third card so that the second closed cell is breachably aligned with the first closed cell, the cards being non-conductive.

Art Unit: 3728

Niemiec et al. and Gordon each disclose providing a medication package with electric circuitry, with the electric circuitry (210; 2) breachably aligned with a closed cell spanning an open side of a card having a protruding receptacle (204; 4). To modify the medication package of either one of Williams-Hartman and Wharton et al. employing the breachable electric circuitry of either one of Niemiec et al. and Gordon would have been obvious in order to provide an electronic compliance or management system to the package, as suggested by either one of Niemiec et al. and Gordon.

As to claim 3, a blister receptacle is typically pliable.

As to claim 4, a portion of the circuitry spans the closed cell.

As to claim 5, the package includes an electronic monitoring device (408) in communication with the circuitry.

As to claim 18, the claimed method of monitoring is apparent from the structure explained above.

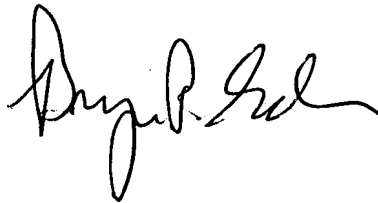
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are blister packs with circuitry therewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Tuesday through Thursday from 7:30 am to 5:00 pm.

Art Unit: 3728

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG